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OFFICE OF PETITIONS

In re Application of
Barry P. Falvo, et. al.
Application No. 10/075,888
Filed: February 13, 2002
Attorney Docket No. D02603

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed July 18, 2006. A Notice of Abandonment was mailed on February 15, 2007.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Thomas Bethea, Jr. appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

Additionally, it is noted that the petition failed to include the registration number of petitioner, Thomas Bethea, Jr.; however, since the amendment included with the present petition contains the registration number of counsel, the registration number on the amendment will be construed as the necessary ratification.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2623 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions